DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Seven Birds and Two Bats of Guam and the Northern Mariana Islands

AGENCY: Fish and Wildlife Service. Interior.

ACTION: Final rule.

summary: The Service determines endangered status for seven birds—Guam broadbill. Mariana crow. Mariana gallinule, Micronesian kingfisher. Guam rail. Vanikoro swiftlet, and bridled white-eye—and two mammals—the little Mariana fruit bat and Guam population of Mariana fruit bat. All nine animals have declined drastically in numbers and distribution, and several appear close to extinction. This rule implements the protection provided by the Endangered Species Act of 1973, as amended, for these nine species of

Guam and the Northern Mariana Islands.

DATES: The effective date of this rule is August 27, 1984. Although the effective date of rules is normally 30 days from publication, the Service considers the status of the species covered by the present rule to be so critical that protection of the Endangered Species Act should be implemented immediately.

ADDRESSES: The complete file for this rule is available for inspection during normal business hours, by appointment, at the Service's Office of Environmental Services, 300 Ala Moana Boulevard, Room 6307, Honolulu, Hawaii 96850.

FOR FURTHER INFORMATION CONTACT: Mr. Sanford R. Wilbur, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 NE. Multinomah Street, Portland, Oregon 97232 (563/231-6131 or FTS 429-6131).

SUPPLEMENTARY INFORMATION:

Background

The islands of Micronesia, in the western Pacific, support relatively few native vertebrate animals, except for those forms that, during some stage of their evolution, developed a capacity for flight. Many kinds of birds, and some bats, have been discovered in the region, often with species or subspecies restricted to a single island. Because of their limited range and specialized ecological needs, island animals have generally proved highly vulnerable to extinction, especially as their habitat was invaded by people and associated disturbances, domestic animals, introduced predators, and diseases.

The jurisdiction of the United States extends over much of Micronesia, including the Territory of Guam and the Commonwealth of the Northern Mariana Islands. In these areas are found the following seven birds and two bats that are the subjects of this rule:

Guam broadbill (Myiagra freycineti), described by Ostalet in 1881, a small flycatcher, slate-blue above and cinnamon-white below, endemic to Guam, forages mainly in forest understory:

Mariana crow (Corvus kubaryi), described by Reichenow in 1885, similar in appearance and habits to the common crow (C. brachyrhynchos) of North America, occurs only on Guam and Rota;

Mariana gallinule (Gallinula chloropus guanii), described by Hartert in 1917, a long-legged inhabitant of wetlands, largely dark in color, endemoto Guam and several of the Northern Mariana Islands;

Micronesian kingfisher (Halcyon cinnamomina cinnamomina), described by Swainson in 1821, largely brown in color, differs from many members of the kingfisher family (Alcedinidae) in having a broad and flattened bill, does not catch fish but forages in the forest for small land animals, endemic to Guam:

Guam rail (Rallus owstoni), described by Rothschild in 1895, a flightless bird with long legs and small wings, formerly found throughout the forests and grasslands of Guam;

Vanikoro swiftlet (Aerodramus vanikorensis bartschi), described by Mearns in 1909, a small member of the swift family (Apodidae), dark green-

brown above and brownish below, endemic to Guam and several of the Northern Mariana Islands, nests in caves:

Bridled white-eye (*Zosterops* conspicillata conspicillata), described by Kittlitz in 1833, a small song bird, light green above and dingy yellow below, found only on Guam, usually forages in upper forest canopy;

Little Mariana fruit bat (*Pteropus tokudae*), described by Tate in 1934, a moderate-sized bat, forearm less than 10 centimeters (4 inches) long, known only

from Guam; and

Mariana fruit bat (Pteropus mariannus mariannus), described by Desmarest in 1822, a relatively large bat, forearm over 12.5 centimeters (5 inches) long, endemic to Guam and several of the Northern Mariana Islands, found mainly in forest habitat.

All nine of the above species have recently fallen drastically in numbers and distribution. The main cause of the decline of the bird species is not yet known, but may involve the spread of avian diseases or predation by introduced animals. The bats have been decimated largely by killing for use as human food. Habitat loss also probably has been a factor in the decline of some or all of the species. The Guam broadbill, Guam rail, bridled white-eye. and little Mariana fruit bat each apparently numbers fewer than 100 individuals and is thought to be on the verge of extinction. They are among the most critically endangered species of wildlife under U.S. jurisdiction. The populations of the Mariana fruit bat in the Northern Mariana Islands are not competely known; only the Guam population, which has suffered severe losses, is now being classified as endangered.

Of the above, the Mariana gallinule. Guam rail, Vanikoro swiftlet, little Mariana fruit bat, and Mariana fruit bat. and also one other Guam bird, the Mariana dove (Ptilinopus roseicapillus). were the subjects of a petition sent to the Service on August 28, 1978, by the Honorable Ricardo J. Bordallo, Governor of Guam, requesting that these animals be added to the U.S. List of Endangered and Threatened Wildlife. A second petition, sent to the Service on February 27, 1979, by the Honorable Joseph E. Ada, then Acting Governor of Guam. requested the listing of the Guam broadbill, Mariana crow, Micronesian kingfisher, and bridled white-eve, and also two other Guam birds, the whitethroated ground dove (Gallicolumba xanthonara xanthonura) and cardinal honey-eater (Myzomela cardinalis saffordi). A third petition, sent to the Service on December 14, 1981, by the

Honorable Paul M. Calvo, then Acting Governor of Guam, requested the listing of two addititional Guam birds, the Guam rufous-fronted fantail (Rhipidura rufifrons uraniae) and Micronesian starling (Aplonis opaca guami), and the sheath-tailed bat (Emballonura semicaudata). Still another petition, sent to the Service on November 24, 1980, by the International Council for Bird Preservation, requested the listing of the Mariana crow, Mariana gallinule, Guam rail, Micronesian kingfisher, and Mariana fruit dove, and also one other bird native to the Northern Mariana Islands, the Rota bridled white-eye (Zosterops conspicillata rotensis).

In the Federal Register of May 18, 1979 (44 FR 29128-29130), the Service issued a notice of review of status for the 12 animals that were the subjects of the first two petitions from the Government of Guam. In the Federal Register of February 15, 1983 (48 FR 6752-6753), the Service published the finding that the third petition from the Government of Guam had presented substantial information in support of listing the Guam rufous-fronted fantail, but not the Micronesian starling and sheath-tailed bat. In the Federal Register on May 12. 1981 (46 FR 26464-26469), the Service published a notice accepting the petition from the International Council for Bird Preservation, and announcing a status review of the subject birds. In the Federal Register of December 30, 1982 (47 FR 58454-58460), the Guam broadbill. Mariana crow, Mariana gallinule. Micronesian kingfisher, Guam rail. Vanikoro swiftlet, bridled white-eye. Mariana fruit dove, white throated ground dove, cardinal honey-eater, and Mariana fruit bat were included in category 1 of the Service's Review of Vertebrate Wildlife, meaning that there was then thought to be substantial information on hand to support the biological appropriateness of a listing proposal. The Guam rufous-fronted fantail. Rota bridled white-eye, little Mariana fruit bat, and sheath-tailed bat were placed in category 2, meaning that a proposal to list was possibly appropriate. In the Federal Register of November 29, 1983 (48 FR 53729-53733), the Service published a proposed rule to determine endangered status for the Guam broadbill, Mariana crow, Mariana gallinule, Micronesian kingfisher, Guam rail, Vanikoro swiftlet, bridled whiteeye, little Mariana fruit bat, and Guam population of the Mariana fruit bat. One of the these species, the Guam rail, was determined as endangered by an emergency rule in the Federal Register of April 11, 1984 (49 FR 14354-14356). In the Federal Register of January 20, 1984 149 FR 2485-2488), as corrected on

February 16, 1984 (49 FR 5977), the Service published its finding that the listing of the six Guam and Northern Mariana Island species covered by the petition from the International Council for Bird Preservation, and of the Guam rufous-fronted fantail, was warranted but precluded by other listing activity. The seeming discrepancy between this publication and the earlier proposal to list four of these same birds is explained by the fact that the actual finding on the petition had been made by the Service on October 13, 1983, but publication was delayed until January 20, 1984.

Also, prior to the issuance of the proposed rule of November 29, 1983, but subsequent to the Review of December 30, 1982, the Service compiled data indicating that four of the birds covered by the various petitions might not warrant listing. Specifically, the cardinal honey-eater, Micronesian starling, Mariana fruit dove, and white-throated ground dove are now thought to be common on one or more of the Mariana islands north of Guam, and the last species may also be common on the island of Yap to the southwest. As additional information on these birds becomes available, the Service may reasssess their qualifications for addition to the List of Endangered and Threatened Wildlife. The two other birds covered by the petitions, but not included in the proposal of November 29, 1983, the Rota bridled white-eye and Guam rufous-fronted fantail, are thought to warrant listing, but development of a proposal has been precluded by other work. The Service continues to seek data on the sheath-tailed bat in order to determine if listing is warranted.

Summary of Comments and Recommendations

In the proposed rule of November 29, 1983, and associated notifications, all interested parties were requested to submit information that might contribute to development of a final rule. The Governor of the Territory of Guam, the Governor of the Commonwealth of the Northern Mariana Islands, the Chairman of the Biology Department of the University of Guam, and other concerned parties were contacted and requested to comment. A newspaper notice, inviting public comment, was published in the *Pacific Daily News* on December 28, 1983.

Seven comments were received. The Governor of the Territory of Guam, Representative Antonio B. Won Pat of Guam, the Environmental Defense Fund, and one private individual supported the proposal and explained how listing could benefit the involved species. The

U.S. National Park Service also supported the proposal, pointed out that the Mariana gallinule occurred within the American Memorial Park on Saipan, and listed management measures that would be considered for the conservation of this species. A private individual stated that poaching of the Mariana fruit bat is currently occurring on Guam, and made the recommendation, which the Service will consider, that the species be classified as endangered throughout its range. The Governor of the Commonwealth of the Northern Mariana Islands, however, commented that while fruit bat populations are very low on three of the islands in the Commonwealth. populations on most other islands are relatively large and not in need of special protection. The Governor also provided data on four other species in the Commonwealth, but did not state an opinion on the proposed listing thereof.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the Guam broadbill, Mariana crow. Mariana gallinule, Micronesian kingfisher, Guam rail, Vanikoro swiftlet, bridled white-eye, little Mariana fruit bat, and Guam population of the Mariana fruit bat should be classified as endangered. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 et seq.) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 Amendments—see proposal at 48 FR 36062, August 8, 1983) were followed. A species may be determined to be endangered or threatened due to one or more of the five factors described in section 4(a)(1). These factors and their application to the nine animals named above are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range.

As explained in detail below, there definitely has been a drastic curtailment in the range and numbers of each of the animals that is a subject of this rule. The reduction probably has resulted in part from destruction of much native habitat by human activity on Guam.

Nonetheless, a rapid recent decline in populations appears unrelated to this problem, as there are remnants of suitable habitat throughout Guam that are completely devoid of the subject birds and bats.

The Guam broadbill formerly occurred in all forested areas of Guam.

It declined severely in recent years, and by the early 1970's was entirely absent from the southern two-thirds of the island. Data from a 1983 census indicate that the population contains fewer than 100 birds, and is apparently restricted to an area of about 373 acres in the Pajon Basin on Ritidian Point, at the north end of the island.

The Mariana crow once was found throughout the islands of Guam and Rota. It disappeared from southern Guam in the mid-1960's and from central Guam in the early 1970's. It is now confined to the northern part of that island, where the population in 1983 was estimated at 150 to 200 individuals. On Rota, the decline apparently has not been so severe; preliminiary results from a 1982 survey indicate that the species still has an island-wide distribution and numbers 1.300 birds.

The Mariana gallinule historically had a wide distribution in the freshwater wetlands of Guam, Tinian, Saipan, and Pagan. The drainage of suitable habitat was a major factor in the reduction of the Guam population to about 100 to 200 birds by 1983. There are also small, very restricted populations on the other three islands.

The Micronesian kingfisher is endemic to Guam, where it formerly occurred in forest and forest edge throughout the island. It was considered common as recently as 1945, but subsequently declined drastically as much of its native limestone forest was destroyed. As many as 3.000 individuals may still survive, but the species is restricted to only a fourth of its original range, and the latest surveys indicate that the decline is continuing.

The Guam rail once occurred in all grassland and forest habitats of Guam. In recent years it experienced a precipitous drop in range and numbers. Surveys in 1983 suggest that fewer than 100 birds survive, and that these are distributed in several small, discontinuous groups in extreme northern Guam. One of these groups, containing a substantial number of the surviving birds, was potentially jeopardized by proposed land clearing operations in the vicinity of Andersen Air Force Base.

The Vanikoro swiftlet historically occupied Guam, Rota, Tinian, Saipan, and Agiguan. The populations of Rota and Tinian apparently disappeared within the last few years. The population on Saipan is declining, while that on Agiguan may be stable. The states of the Guam population is critical; as few as 50 individuals are thought to remain on the island.

The bridled white-eye formerly occurred throughout Guam, but apparently disappeared from the central and southern parts of the island by 1961 Observations in January 1983 indicate that this bird is restricted to an area of about 373 acres in the Pajon Basin on Ritidian Point, at the north end of Guam With fewer than 50 individuals thought to survive, and a sharp decline still in progress, the bridled white-eye may be the most critically endangered bird under U.S. jurisdiction.

The little Mariana fruit bat is known only from Guam. It apparently has always been less common than the larger Mariana fruit bat and is subject the same problems (see below). Of over 100 fruit bats collected and scientificall examined on Guam in the 1960's, only one was a little Mariana fruit bat. This individual was a female and was nursing a young, which escaped captur. No specimens are known to have been taken since then.

The Mariana fruit bat has been recorded from Guam, Rota, Tinian, Saipan, and Agiguan. The Guam population has fallen substantially; it is now restricted mainly to the cliff line forests in the northern part of the islanand is estimated to contain about 500 individuals. According to a comment from the Governor of the Commonwealth of the Northern Marian Islands, preliminary estimates are 25 individuals on Agiguan, 25 on Tinian. and 50 on Saipan, but numbers are reportedly larger on Rota. Relatively large numbers of fruit bats also exist o several other islands in the Northern Marianas, but their taxonomic status is not fully understood.

B. Overutilization for Commercial, Recreational, Scientific, or Educations Purposes

The main factor in the decline of the Mariana and little Mariana fruit bats is killing for use as human food. These bats are considered delicacies by some of the people on Guam. Although hunting of these species was prohibite on the island in 1973, poaching has continued. Moreover, until 1982, frozer Mariana fruit bats were legally import to Guam from the Northern Mariana Islands. Importation of other kinds of fruit bats, from other area, is still takir place. Although such activity has declined in recent years, perhaps part through local educational efforts, almo 11,000 fruit bats were imported under permit to Guam in fiscal year 1982.

Overutilization by people is not thought to have been a major factor in the decline of any of the seven birds the are covered by this rule. However, the Guam rail was hunted legally as a game bird until 1973. The Mariana crow is still shot by some persons who consider it a pest.

C. Disease or Predation.

The spread of avian diseases is currently a prime suspect as a main factor in the recent decline of the seven birds included in this rule. To date, no particular disease has been identified, but relevant investigations are now being made by the Guam Aquatic and Wildlife Resources Division, funded through the Federal Pittman-Robertson Program and section 6 of the Endangered Species Act. There are some similarities in pattern between the disappearance of birds on Guam and in other areas where disease is thought to have been a major problem. An introduced tropical mosquito (Culex quiaquefasciatus), now common on Guam, was implicated in the disappearance of many of Hawaii's native birds, by acting as a vector for the spread of avian malaria and other diseases.

Predation by introduced animals is also suspected as a major contributing cause of the observed declines. The brown tree snake, also known as the Philippine rat snake (Boiga irregularis). is now widespread on Guam. It is primarily arboreal and could thus prev on eggs and hatchlings in nests, and roosting young and adults. The introduced monitor lizard (Varanus indicus) is also common on the island and is a potential predator of birds. Cats, rats, dogs, and hogs, all brought to Guam through human agency, also may threaten native birds, especially the flightless Guam rail. While the general impact of these introduced species is not known, it is potentially severe. considering that the native fauna of Guam developed in an island environment, free from natural mammalian and reptilian predators, and thus may not have retained or evolved effective defenses.

D. The Inadequacy of Existing Regulatory Mechanisms.

All nine animals covered by this rule were classified as endangered by the Territory of Guam on September 24, 1981, and are thus protected by The Endangered Species Act of Guam (Pub. L. 15–36). This protection, however, does not require Federal agencies to insure that their actions are not likely to icopardize the involved species, does not affect interstate commerce, and does not provide a basis for the substantial financial and technical assistance that will probably be necessary for a successful conservation program.

E. Other Natural or Manmade Factors Affecting Its Continued Existence.

DDT and other chlorinated hydrocarbons were employed extensively on Guam during World War II, and there has since been widespread use of agricultural insecticides. Preliminary results of a 1981 study indicate that pesticides are not now a problem, though they may have impacted birds in the past, especially insectivorous species such as the Vanikoro swiftlet. An additional cause of mortality to the flightless Guam rail is being struck by motor vehicles on roads.

The decision to determine endangered status for the Guam broadbill, Mariana crow. Mariana gallinule, Micronesian kingfisher, Guam rail, Vanikoro swiftlet, bridled white-eye, little Mariana fruit bat, and Guam population of the Mariana fruit bat was based on an assessment of the best available scientific information and of past, present, and probable future threats to these species. A determination of critical habitat is not considered prudent.

Critical Habitat

Section 7(a)(2) of the Endangered Species Act, as amended, requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. Section 4(a)(3) requires that critical habitat be designated, to the maximum extent prudent and determinable, concurrent with the determination that a species is endangered or threatened. In the case of the nine species covered by this rule, the Service finds that a determination of critical habitat is not prudent. Such a determination would result in no known benefit to the species. The only Federal activity currently known to have a potential adverse effect on any of the species is the clearing of land by the U.S. Air Force in a portion of the Guam rail's habitat on Andersen Air Force Base. In that case, the area in question is well defined and the Air Force has been made aware of the problem. Should any other potential adverse effects develop. the involved agencies could be informed by means other than a critical habitat determination. In addition, such a determination might place the Mariana and little Mariana fruit bats in greater jeopardy. These two bats are prized as delicacies by some persons on Guam and are thus sought by poachers. To point out the precise areas and kinds of habitat they occupy would greatly increase the risk of illegal killing.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened pursuant to the Act include recognition, recovery actions. requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Act provides for land acquisition and cooperation with States, and requires recovery actions. Such actions are initiated by the Service following listing. The protection required by Federal agencies, and taking and harm prohibitions, are discussed, in part. below.

Section 7(a)(1) of the Act, as amended. requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402, and are now under revision (see proposal in Federal Register of June 29. 1983, 48 FR 29989). Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with the Service. No Federal activities that may be affected in this regard are currently known with respect to the determination of endangered status for the Guam broadbill, Mariana crow, Mariana gallinule. Micronesian kingfisher, Vanikoro swiftlet, bridled white-eye. little Mariana fruit bat, and Guam population of the Mariana fruit bat. Determination of endangered status for the Cuam rail, however, may result in consultation between the Service and the U.S. Air Force, regarding land clearing operations in a portion of the rail's habitat on Andersen Air Force

The Act and its implementing regulations found at 50 CFR 17.21 set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale any Guem broadbill. Mariana crow, Mariana gallinule, Micronesian kingfisher, Guam rail, Vanikoro swiftlet, bridled white-

eye. little Mariana fruit bat, or member of the Guam population of the Mariana fruit bat in interstate or foreign commerce. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been illegally taken. Certain exceptions apply to agents of the Service and Territorial and Commonwealth conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife under certain circumstances. Regulations governing such permits are codified at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship that would be suffered if such relief were not available.

The Service will now review the nine species covered by this rule to determine whether any should be considered for placement on the appendices of the Convention on

International Trade in Endangered Species of Wild Fauna and Flora or for other appropriate international agreements.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the Federal Register on October 25, 1983 (48 FR 49244).

Author

The primary author of this rule is Ronald M. Nowak, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975) or FTS 235-1975).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife. Fish, Marine mammals, Plants (agriculture).

Regulations Promulgation

PART 17-- AMENDED

Accordingly, Part 17, Subchapter B of . Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 83–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304. 96 Stat. 1411 (16 U.S.C. 1531 et seq.).

2. Section 17.11(h) is amended by adding the following, in alphabetical order, to the List of Endangered and Threatened Wildlife under "MAMMALS" and "BIRDS:"

§ 17.11 Endangered and threatened wildlife.

(h) * * *

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Common name	Scientific name	Historic range			Vertebrate population where engangered or threatened		Status	When listed	cal habi- tat	cial rules
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Birds										
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Oaled: August 1, 1984.

Assistant Secretary for Fish and Wildlife and Parks

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G. Ray Arnett.